

1 **SECTION 269.** 196.493 (2) (b) 2. of the statutes is renumbered 196.493 (2) (am)

2 2. b. and amended to read:

3 196.493 (2) (am) 2. b. The costs for construction, operation, and
4 decommissioning of nuclear power plants and for nuclear waste disposal; ~~and,~~

5 **SECTION 270.** 196.493 (2) (b) 3. of the statutes is renumbered 196.493 (2) (am)

6 2. d.

7 **SECTION 271.** 196.493 (2) (c) of the statutes is created to read:

8 196.493 (2) (c) For certifications made on or after the date specified in the notice
9 published under sub. (3) (b), the commission shall make the finding under par. (am)
10 2. based on economic advantages to ratepayers or members of electric cooperatives
11 in this state.

12 **SECTION 272.** 196.493 (3) of the statutes is created to read:

13 196.493 (3) REGISTER PUBLICATION. (a) The commission shall determine all of
14 the following:

15 1. The effective dates of all rules promulgated by the commission, and all orders
16 issued by the commission, that are necessary to initially implement the changes to
17 s. 196.378 by 2009 Wisconsin Act (this act), and other related statutory changes
18 made by that act.

19 2. The effective dates of all rules promulgated by the commission, and all orders
20 issued by the commission, that are necessary to initially implement the changes to
21 s. 196.374 by 2009 Wisconsin Act (this act), and other related statutory changes
22 made by that act.

23 (b) The commission shall publish a notice in the Wisconsin Administrative
24 Register specifying the first date on which all of the rules and orders described in par.

25 (a) are in effect.

1 **SECTION 273.** 196.493 (4) of the statutes is created to read:

2 196.493 (4) DECOMMISSIONING. The commission may by order specify the
3 method for an owner or operator of a nuclear power plant to provide reasonable
4 assurance that funds in an amount determined by the commission will be available
5 to decommission the plant and to dispose of spent nuclear fuel from the plant, and
6 require the owner or operator to provide such assurance. This subsection applies to
7 a nuclear power plant for which the commission issues a certificate of public
8 convenience and necessity under s. 196.491 (3) on or after the date specified in the
9 notice published under sub. (3) (b).

10 **SECTION 274.** 196.494 (1) (a) of the statutes is amended to read:

11 196.494 (1) (a) "Electric utility" means a public utility, other than a municipal
12 utility, ~~as defined in s. 196.377 (2) (a) 3.,~~ that provides retail electric service to
13 customers in this state.

14 **SECTION 275.** 196.494 (1) (am) of the statutes is created to read:

15 196.494 (1) (am) "Municipal utility" means a public utility that is a
16 municipality or that is wholly owned or operated by a city, village, or town.

17 **SECTION 276.** 196.52 (9) (g) of the statutes is amended to read:

18 196.52 (9) (g) Nothing in this subsection prohibits a cooperative association
19 organized under ch. 185, a municipal utility, as defined in s. ~~196.377 (2) (a) 3.~~ 196.494
20 (1) (am), or a municipal electric company, as defined in s. 66.0825 (3) (d), from
21 acquiring an interest in an electric generating facility that is constructed pursuant
22 to a leased generation contract or from acquiring an interest in land on which such
23 an electric generating facility is located.

24 **SECTION 277.** 196.65 (1) of the statutes is renumbered 196.65 (1r).

25 **SECTION 278.** 196.65 (1g) of the statutes is created to read:

1 196.65 (1g) In this section, "public utility" includes all of the following:

2 (a) The owner or operator of a nuclear power plant, as defined in s. 196.491 (1)
3 (j), for which the commission has issued a certificate of public convenience and
4 necessity under s. 196.491 (3) on or after the date specified in the notice published
5 under s. 196.493 (3) (b).

6 (b) A prime supplier, as defined in s. 196.374 (1) (ig).

7 **SECTION 279.** 196.65 (2) of the statutes is amended to read:

8 196.65 (2) A penalty of not less than \$500 nor more than \$5,000 shall be
9 recovered from the public utility for each offense under sub. (1) (1r) if the officer,
10 agent or employee of the public utility acted in obedience to the direction, instruction
11 or request of the public utility or any general officer of the public utility.

12 **SECTION 280.** 196.66 (1) of the statutes is renumbered 196.66 (1r).

13 **SECTION 281.** 196.66 (1g) of the statutes is created to read:

14 196.66 (1g) DEFINITION. In this section, "public utility" includes all of the
15 following:

16 (a) The owner or operator of a nuclear power plant, as defined in s. 196.491 (1)
17 (j), for which the commission has issued a certificate of public convenience and
18 necessity under s. 196.491 (3) on or after the date specified in the notice published
19 under s. 196.493 (3) (b).

20 (b) A prime supplier, as defined in s. 196.374 (1) (ig).

21 **SECTION 282.** 196.66 (2) of the statutes is amended to read:

22 196.66 (2) EACH DAY SEPARATE OFFENSE. Every day during which any public
23 utility or any officer, agent, as defined in sub. (3) (a), or employee of a public utility
24 fails to comply with any order or direction of the commission or to perform any duty
25 enjoined by this chapter or ch. 197 shall constitute a separate and distinct violation

1 under sub. ~~(1)~~ (1r). If the order is suspended, stayed or enjoined, this penalty shall
2 not accrue.

3 **SECTION 283.** 196.66 (4) (b) of the statutes is amended to read:

4 196.66 (4) (b) If a public utility fails to comply with any rule, order or direction
5 of the commission after actual receipt by the public utility of written notice from the
6 commission specifying the failure, the maximum forfeiture under sub. ~~(1)~~ (1r) shall
7 be \$15,000.

8 **SECTION 284.** 196.795 (6m) (a) 4m. of the statutes is created to read:

9 196.795 (6m) (a) 4m. "Nonutility nuclear power plant" means a nonutility
10 nuclear power plant, as defined in s. 196.491 (1) (i), that is located in the reliability
11 council area and that is owned, operated, or controlled by an affiliated interest of a
12 public utility. This subdivision takes effect on the date specified in the notice
13 published under s. 196.493 (3) (b).

14 **SECTION 285.** 196.795 (6m) (cm) of the statutes is created to read:

15 196.795 (6m) (cm) *Nonutility nuclear power plants.* The assets of a nonutility
16 nuclear power plant shall not be included in the sum of the assets of a public utility
17 affiliate under par. (b) 1. a., b., or c. and shall not be included in a nonutility affiliate's
18 total assets under par. (b) 2. a. if the requirements specified in s. 196.491 (3m) (a) 1.
19 and 2. are satisfied. This paragraph takes effect on the date specified in the notice
20 published under s. 196.493 (3) (b).

21 **SECTION 286.** 196.795 (11) (b) of the statutes is amended to read:

22 196.795 (11) (b) This section shall be deemed to legalize and confirm the
23 formation, prior to November 28, 1985, of any holding company, which is not itself
24 a public utility, and shall be deemed to legalize and confirm the operations and
25 issuances of securities of the holding company, except that nothing in this section

1 shall be deemed to prevent the commission from imposing reasonable terms,
2 limitations or conditions on any holding company which are consistent with the
3 requirements of sub. (6m) (c) ~~or to~~ (d) or which are consistent with and necessary to
4 satisfy the requirements of sub. (5) (b) to (o) and (q) to (s) or which relate to future
5 investments by the holding company unless the holding company owns, operates,
6 manages or controls a telecommunications utility and does not also own, operate,
7 manage or control a public utility which is not a telecommunications utility.

8 **SECTION 287.** 196.80 (1r) of the statutes is created to read:

9 196.80 (1r) (a) In this subsection, “nuclear power plant” means a nuclear power
10 plant, as defined in s. 196.491 (1) (j), for which the commission has issued a certificate
11 of public convenience and necessity under s. 196.491 (3) on or after the date specified
12 in the notice published under s. 196.493 (3) (b).

13 (b) With the consent and approval of the commission but not otherwise an
14 owner or operator of a nuclear power plant may sell, acquire, lease, or rent any
15 nuclear power plant or property constituting an operating unit or system of a nuclear
16 power plant.

17 **SECTION 288.** 196.85 (1m) (a) of the statutes is amended to read:

18 196.85 (1m) (a) For the purpose of direct assessment under sub. (1) of expenses
19 incurred by the commission in connection with its activities under s. 196.491, the
20 term “public utility” includes electric utilities, as defined in s. 196.491 (1) (d).
21 Subsection (1) (b) does not apply to assessments for the commission’s activities under
22 s. 196.491 related to the construction of wholesale merchant plants, as defined in s.
23 196.491 (1) (w) or, beginning on the date specified in the notice published under s.
24 196.493 (3) (b), related to the construction of nonutility nuclear power plants, as
25 defined in s. 196.491 (1) (i).

1 **SECTION 289.** 196.85 (1m) (e) of the statutes is created to read:

2 196.85 (1m) (e) For the purpose of direct assessment under sub. (1) of expenses
3 incurred by the commission in connection with its activities under s. 196.374, the
4 term “public utility” includes retail electric cooperatives, as defined in s. 196.374 (1)
5 (L), and prime suppliers, as defined in s. 196.374 (1) (ig).

6 **SECTION 290.** 285.60 (11) of the statutes is created to read:

7 285.60 (11) REDUCING GREENHOUSE GAS EMISSIONS. As part of its continual
8 assessment under sub. (10) in 2010 and 2011, the department shall develop and
9 implement measures to lessen permit obligations under this section and ss. 281.61
10 to 281.65 for the construction, reconstruction, replacement, or modification of a
11 stationary source if all of the following apply:

12 (a) The owner or operator of the stationary source is not required to obtain a
13 major source construction permit for the proposed project.

14 (b) The construction, reconstruction, replacement, or modification would
15 significantly reduce emissions of greenhouse gasses, as defined in s. 299.03 (1) (d).

16 (c) The proposed project satisfies other requirements specified by the
17 department by rule.

18 **SECTION 291.** 292.75 (5) of the statutes is renumbered 292.75 (5) (a).

19 **SECTION 292.** 292.75 (5) (a) 2m. of the statutes is created to read:

20 292.75 (5) (a) 2m. Whether the project is a qualifying project under sub. (5m).

21 **SECTION 293.** 292.75 (5) (b) of the statutes is created to read:

22 292.75 (5) (b) The department may give greater weight to the criterion under
23 par. (a) 2m. than to the other criteria under par. (a) in determining whether to award
24 a grant.

25 **SECTION 294.** 292.75 (5m) of the statutes is created to read:

1 292.75 (5m) QUALIFYING PROJECTS. A proposed project is a qualifying project for
2 the purposes of subs. (5) (a) 2m. and (7) (b) if the project will result in a reduction of
3 travel, energy use, or emissions of greenhouse gases, as defined in s. 299.03 (1) (d),
4 or if one of the following applies:

5 (a) The eligible site or facility is located in an area that is designated for
6 traditional neighborhood development, as defined in s. 66.1027 (1) (c), in a
7 comprehensive plan adopted under s. 66.1001 and at least one of the following
8 applies:

9 1. The area is surrounded by or is adjacent to existing development.

10 2. The area is within a sewer service territory in the sewer service area
11 provisions of an areawide water quality management plan under s. 283.83 approved
12 by the department.

13 3. The area consists primarily of blighted properties.

14 4. The area meets other criteria, specified by the department by rule, designed
15 to ensure that the project reduces greenhouse gas emissions.

16 (b) The city, village, town, or county in which the eligible site or facility is
17 located has adopted the design standards under s. 101.027 (4) and the eligible site
18 or facility is in an area that is subject to the design standards.

19 (c) All of the following apply:

20 1. The eligible site or facility is located in an area that is subject to either a
21 charter under s. 299.83 (7e) issued to an association of entities that includes the city,
22 village, town, or county in which the area is located or a participation contract under
23 s. 299.83 (6) entered into by the city, village, town, or county in which the area is
24 located.

1 2. The department determines, in consultation with the department of
2 commerce, the department of administration, the public service commission, and the
3 office of energy independence, that implementation of the charter or the
4 participation contract is likely to result in significant reductions in emissions of
5 greenhouse gases, as defined in s. 299.03 (1) (d), or in energy use by public or private
6 entities within the city, village, town, or county.

7 (d) The eligible site or facility is located in a city, village, town, or county that
8 participates in tier I under s. 299.83 (3), the area in which the eligible site or facility
9 is located is affected by the participation in tier I, and the department of natural
10 resources determines, in consultation with the department of commerce, the
11 department of administration, the public service commission, and the office of energy
12 independence, that the participation in tier I is likely to result in significant
13 reductions in emissions of greenhouse gases, as defined in s. 299.03 (1) (d), or in
14 energy use by public or private entities within the city, village, town, or county.

15 **SECTION 295.** 292.75 (7) of the statutes is renumbered 292.75 (7) (a) and
16 amended to read:

17 292.75 (7) (a) The Except as provided under par. (b), the department may not
18 distribute a grant unless the applicant contributes matching funds equal to 20% 20
19 percent of the grant. Matching funds may be in the form of cash or in-kind
20 contribution or both.

21 **SECTION 296.** 292.75 (7) (b) of the statutes is created to read:

22 292.75 (7) (b) The department may promulgate a rule that specifies a minimum
23 contribution of matching funds by an applicant that is less than 20 percent of a grant
24 for a project if the project is a qualifying project under sub. (5m).

25 **SECTION 297.** 299.03 of the statutes is created to read:

299.03 Greenhouse gas emission goals. (1) DEFINITIONS. In this section:

(a) "Annual net greenhouse gas emissions" means the amount of greenhouse gasses, measured as tons of carbon dioxide equivalent, emitted to the atmosphere by all sources and activities in this state in a year minus the amount of greenhouse gasses, measured as tons of carbon dioxide equivalent, removed from the atmosphere by all sources and activities, including by carbon sequestration, in this state in the year.

(b) "Carbon dioxide equivalent" means the amount of carbon dioxide that has the equivalent radiative effect as a specified amount of a greenhouse gas, calculated by multiplying the specified amount of the greenhouse gas by its global warming potential.

(bm) "Carbon sequestration" means the long-term storage of carbon in water bodies, soil, vegetation, or geologic formations.

(c) "Global warming potential" means the relative radiative effect of a greenhouse gas compared to the radiative effect of carbon dioxide.

(d) "Greenhouse gas" means carbon dioxide, methane, nitrous oxide, sulphur hexafluoride, nitrogen trifluoride, a hydrofluorocarbon, a perfluorocarbon, or any other gas identified by the department under sub. (4).

(dm) "Radiative effect" means the capability of a gas in the atmosphere to absorb infrared radiation that is emitted from the earth's surface.

(e) "Renewable energy generation" means the generation of energy using a renewable resource, as defined in s. 196.374 (1) (j).

(f) "Zero net energy building" means one of the following:

1. A building that annually, based on a 3-year average, uses no more energy than is provided by on-site renewable energy generation.

1 2. One of 2 or more buildings that have an integrated system of energy supply
2 and use and that together annually, based on a 3-year average, use no more energy
3 than is provided by renewable energy generation that is part of the integrated
4 system.

5 **(2) GREENHOUSE GAS EMISSION REDUCTION GOALS.** (a) It is the goal of this state
6 that annual net greenhouse gas emissions in 2014 are no greater than annual net
7 greenhouse gas emissions in 2005.

8 (b) It is the goal of this state that annual net greenhouse gas emissions in 2022
9 are at least 22 percent less than annual net greenhouse gas emissions in 2005.

10 (c) It is the goal of this state that annual net greenhouse gas emissions in 2050
11 and each year thereafter are at least 75 percent less than annual net greenhouse gas
12 emissions in 2005.

13 (d) It is the goal of this state to make continuous progress in reducing net
14 greenhouse gas emissions in order to achieve the goals in pars. (a), (b), and (c).

15 **(3) NEW BUILDING ENERGY USE GOAL.** It is the goal of this state that, by 2030, all
16 newly constructed residential and commercial buildings are zero net energy
17 buildings.

18 **(3m) STATEWIDE ENERGY CONSERVATION GOALS.** (a) *Electricity.* It is the goal of
19 this state to reduce the statewide consumption of electricity in each year by an
20 amount not less than the product of the public service commission's projection of the
21 statewide consumption of electricity for the year and the following percentages:

22 1. In 2011, 1 percent.

23 2. In 2012, 1.25 percent.

24 3. In 2013, 1.5 percent.

25 4. In 2014, 1.75 percent.

1 5. In 2015 and each year thereafter, 2 percent.

2 (am) *Small scale renewable facilities*. It is the goal of this state that by 2025
3 at least 1 percent of the renewable energy, as defined in s. 196.378 (1r) (fg), produced
4 in this state annually is derived from renewable facilities, as defined in s. 196.378
5 (1r) (g), that are designed for nominal operation at a capacity of 10 megawatts or less.

6 (b) *Liquified petroleum gas, heating oil, and natural gas*. It is the goal of this
7 state to reduce the statewide consumption of liquified petroleum gas, heating oil, and
8 natural gas in each year by an amount not less than the product of the public service
9 commission's projection of statewide consumption of liquified petroleum gas, heating
10 oil, and natural gas for the year and the following percentages:

11 1. In 2011, 0.5 percent.

12 2. In 2012, 0.75 percent.

13 3. In 2013 and each year thereafter, 1 percent.

14 (4) **RULE MAKING**. The department may promulgate rules identifying additional
15 gasses as greenhouse gasses.

16 (5) **INFORMATION AND ANALYSES**. (a) *Emission and sequestration information*.
17 The department shall periodically collect or estimate information concerning all of
18 the following:

19 1. Amounts of greenhouse gas emissions from sectors of this state's economy,
20 including from stationary and mobile sources of greenhouse gas emissions, and from
21 natural systems in this state associated with various types of land uses.

22 2. Amounts of carbon sequestered by natural systems in this state associated
23 with various types of land uses.

24 (b) *Comprehensive accounting system*. 1. As part of its activities under par. (a),
25 the department shall develop and maintain a comprehensive accounting system to

1 estimate the net annual emissions of greenhouse gases from natural systems in this
2 state in 2005 and changes in these emissions in subsequent years due to significant
3 changes in land cover or in the management of land. The department shall ensure
4 that the system identifies greenhouse gas emissions for at least agricultural,
5 forestry, grassland, wetland, urban, and suburban land uses.

6 2. The department shall design and operate the system under subd. 1. to
7 produce statistically valid data, for use in each of the assessments under sub. (6), that
8 can be used to estimate the emissions and changes in emissions specified in subd. 1.
9 and to provide information for the smallest land areas consistent with economic
10 practicality, but in no case larger than a county.

11 3. The department shall include a land cover database in the system under
12 subd. 1.

13 4. The department may design and operate the system under subd. 1. to serve
14 other purposes, including use in climate change programs related to public
15 education, the management and supply of bioenergy feedstocks, and sustainable
16 forest management.

17 (c) *Inventories and analyses.* The department shall periodically prepare
18 inventories and analyses of the information collected or estimated under par. (a) that
19 include inventories of greenhouse gas emissions from man-made sources in 2005
20 and of net greenhouse gas emissions from natural systems in 2005 and trends in
21 greenhouse gas emissions from man-made sources and of net greenhouse gas
22 emissions from natural systems adjusted for all of the following:

23 1. Meteorological, economic, and other variable factors that cause significant
24 deviations from normal trends.

1 2. Changes in energy use, fuel composition, and other factors likely to
2 permanently affect future emissions, or sequestration, of greenhouse gases.

3 (d) *Emission reporting requirements.* 1. The department shall promulgate a
4 rule to revise the air contaminant emissions reporting requirements under ss. 285.17
5 and 299.15 (1) and (2) in effect on the effective date of this subdivision [LRB
6 inserts date], to set the reporting level for carbon dioxide at 10,000 tons per year and
7 to require a person owning or operating a stationary source who is required to report
8 carbon dioxide emissions to also report methane and nitrous oxide emissions from
9 the combustion of a solid, liquid, or gaseous fuel.

10 2. After it complies with subd. 1., the department may promulgate a rule that
11 modifies the reporting requirements described in subd. 1.

12 (5m) EMISSIONS FROM TRANSPORTATION USE. (a) In this subsection:

13 1. "Metropolitan planning organization" has the meaning given in 23 USC 134
14 (b) (2).

15 2. "Transportation use" does not include the construction or maintenance of
16 vehicles or of infrastructure related to any mode of transportation.

17 (b) The department of natural resources and the department of transportation
18 jointly, with the assistance of metropolitan planning organizations, shall do all of the
19 following:

20 1. Periodically estimate annual amounts of greenhouse gas emissions
21 generated by transportation use in this state, by mode of transportation, and predict
22 amounts of greenhouse gas emissions that will be generated by transportation use
23 in this state, by mode of transportation, 5, 10, and 15 years after the year for which
24 the estimate is made.

1 2. Base the estimate and predictions under subd. 1. on transportation plans of
2 this state and metropolitan planning organizations, state and federal laws, trends
3 in the use of each mode of transportation, other factors used in emission modeling
4 conducted for the purpose of preparing state implementation plans under 42 USC
5 7410, and other relevant factors identified by the departments.

6 3. Select the most appropriate method for making the estimate and predictions
7 under subd. 1.

8 4. No later than July 1, 2011, and every 2 years thereafter, submit a report on
9 the estimates and predictions under subd. 1. to the climate change coordinating
10 council.

11 (c) The department of transportation shall make available on its Internet site
12 the reports under par. (b) 4. or a link to those reports on the Internet site under sub.
13 (10).

14 **(6) QUADRENNIAL ASSESSMENT.** No later than March 1, 2014, and every 4 years
15 thereafter, the department shall prepare an assessment of the changes in net
16 greenhouse gas emissions in this state and of public and private climate change goals
17 and programs, based on the inventories and analyses under sub. (5) (c) and other
18 relevant information. In the assessment, the department shall address at least all
19 of the following:

20 (a) Whether this state is achieving the applicable greenhouse gas emission
21 reduction goal under sub. (2) (a), (b), or (c).

22 (b) Whether this state is making continuous progress in reducing net
23 greenhouse gas emissions in accordance with the goal in sub. (2) (d).

1 (c) If this state is not achieving the applicable greenhouse gas emission
2 reduction goal or is not likely to achieve its future greenhouse gas emission reduction
3 goals, proposals for alternative programs for meeting the goals.

4 (d) Whether any state or local governmental climate change goal or
5 nonregulatory program should be modified to make the program more effective at
6 reducing net greenhouse gas emissions or mitigating the effects of climate change or
7 less costly to implement.

8 (e) Whether any state or local governmental climate change goal or
9 nonregulatory program should be modified or created to respond to a new federal
10 initiative relating to climate change or a new scientific understanding of climate
11 change processes or effects.

12 (f) Estimates of the likely reductions in net greenhouse gas emissions and of
13 the effects on energy use in this state and on the state's economy associated with each
14 new program or program change analyzed under pars. (c) to (e).

15 **(7) CONSULTATION AND ASSISTANCE.** (a) The department shall consult with the
16 climate change coordinating council in fulfilling its duties under subs. (4), (5), and
17 (6).

18 (b) Other state agencies shall assist the department to the fullest extent
19 possible in fulfilling its duties under subs. (4), (5), (6), and (10).

20 **(8) PUBLIC REVIEW.** The department shall provide an opportunity for public
21 review and comment on all of the following:

22 (a) The inventories under sub. (5) (c).

23 (b) The methodologies used under sub. (6) to estimate the effects of policies and
24 other factors on changes in net emissions of greenhouse gases.

25 (c) The assessments under sub. (6).

1 **(9) POLICY REVIEW AND REPORT.** (a) No later than June 1, 2014, and every 4 years
2 thereafter, the climate change coordinating council shall submit a report to the
3 legislature, under s. 13.172 (2), and to the governor on all of the following:

4 1. Whether this state is achieving the applicable greenhouse gas emission
5 reduction goal in sub. (2) (a), (b), or (c), whether the state is making continuous
6 progress in reducing net greenhouse gas emissions in accordance with sub. (2) (d),
7 and whether this state is likely to achieve its future greenhouse gas emission
8 reduction goals in sub. (2) and, if not, recommended changes in programs needed to
9 achieve the goals.

10 2. Other recommended changes in state and local governmental climate change
11 goals and programs.

12 3. The likely reductions in net greenhouse gas emissions and effects on energy
13 use in this state and on the state's economy associated with each program change
14 recommended under subds. 1. and 2.

15 4. Whether any climate change goals should be modified and whether any new
16 climate change goals should be created.

17 (b) The climate change coordinating council shall base its report under par. (a)
18 on the assessment under sub. (6) and other information received by the council and
19 shall include in the report a summary of the assessments and reports related to
20 climate change that state agencies are required to submit to the department or the
21 council.

22 **(10) INTERNET SITE.** (a) The department, in consultation with the climate
23 change coordinating council, and the administrator of the statewide energy
24 efficiency and renewable resource programs under s. 196.374 (2) (a) 1., and other
25 appropriate public and private entities providing educational and training programs

1 on climate change to the public shall establish and maintain an Internet site on
2 climate change.

3 (b) The department shall make all of the following available on the Internet site
4 under par. (a):

5 1. The information under sub. (5) (a).

6 2. The inventories and analyses under sub. (5) (c).

7 3. The assessments under sub. (6).

8 4. The reports under sub. (9).

9 5. The assessments and reports related to climate change that state agencies
10 are required to submit to the department or the climate change coordinating council.

11 **SECTION 298.** 299.035 of the statutes is created to read:

12 **299.035 Climate change coordinating council. (1) DEFINITION.** In this
13 section, "council" means the climate change coordinating council.

14 **(2) DUTIES.** (a) The council shall prepare reports under s. 299.03 (9).

15 (b) The council shall assist state agencies in improving and coordinating their
16 programs relating to climate change.

17 (c) The council, in consultation with the administrator of the statewide energy
18 efficiency and renewable resource programs under s. 196.374 (2) (a) 1., and other
19 appropriate public and private entities providing educational and training programs
20 on climate change to the public, shall promote and coordinate state educational and
21 training programs related to climate change, including programs that provide
22 information on all of the following:

23 1. State goals for the reduction of net greenhouse gas emissions and other
24 related state goals for reducing the consumption of fossil fuels.

1 2. Assessments, under s. 299.03 (6) and (9), of changes in net greenhouse gas
2 emissions in this state and of state climate change goals and programs.

3 3. Activities by state agencies to meet goals for the reductions of their
4 greenhouse gas emissions and to meet their related goals for energy efficiency and
5 the use of energy derived from renewable sources.

6 4. State, local, and federal governmental programs related to or affecting
7 climate change.

8 5. Actions that persons can take to reduce the amount of their greenhouse gas
9 emissions.

10 6. Other significant mitigation and adaptation strategies that address climate
11 change.

12 7. The causes and effects of climate change.

13 (d) The council shall give priority under par. (a) to promoting and coordinating
14 programs for students in kindergarten through 12th grade and to undergraduate
15 and graduate students and their teachers.

16 **(3) SUBCOMMITTEES.** The council may create subcommittees to assist in its
17 work. The council may appoint to its subcommittees members of the council,
18 employees of the agencies with members on the council, employees of other state
19 agencies, representatives of counties and municipalities, and others. The council
20 shall consider the need for subcommittees on the subjects within the scope of its
21 duties under sub. (2) and other subjects determined to be appropriate by the council.

22 **(4) SUPPORT.** The state agencies with membership on the council and its
23 subcommittees shall provide adequate staff to conduct the functions of the council.

24 **SECTION 299.** 299.04 of the statutes is created to read:

1 **299.04 Report on greenhouse gas cap and trade program.** (1) In this
2 section:

3 (a) "Cap and trade program" means a program that imposes limits on emissions
4 of greenhouse gases from specified sources of emissions and that provides for the
5 trading of allowances that may be used to satisfy those limits.

6 (b) "Greenhouse gas" has the meaning given in s. 299.03 (1) (d).

7 **(2)** The department shall submit a report to the appropriate standing
8 committees of the legislature, under s. 13.172 (3), and to the governor if any of the
9 following occurs:

10 (a) Enactment of federal legislation creating a federal cap and trade program.

11 (b) Adoption of a federal regulation creating a federal cap and trade program.

12 (c) Recommendation of a regional cap and trade program by governors of
13 midwestern states, including the governor of this state, that would be applicable to
14 any person in this state.

15 **(3)** The department shall include in the report under sub. (2) a description of
16 the cap and trade program and recommendations on any legislation that would be
17 necessary to implement the cap and trade program in this state. In preparing the
18 report under sub. (2), the department shall consult with state agencies that would
19 be affected by the cap and trade program.

20 **SECTION 300.** 299.045 of the statutes is created to read:

21 **299.045 Greenhouse gas emissions by state agencies.** (1) DEFINITIONS.
22 In this section:

23 (a) "Agency" means the department of administration, the department of
24 agriculture, trade and consumer protection, the department of corrections, the
25 department of health services, the department of natural resources, the department

1 of public instruction, the department of transportation, the department of veterans
2 affairs, and the Board of Regents of the University of Wisconsin System.

3 (b) "Biomass" has the meaning given in s. 196.374 (1) (am).

4 (c) "Global warming potential" has the meaning given in s. 299.03 (1) (c).

5 (d) "Greenhouse gas" has the meaning given in s. 299.03 (1) (d).

6 (2) ANALYSIS. No later than the first day of the 13th month beginning after the
7 date on which the department of administration prescribes the initial guidelines and
8 protocols under s. 16.954 (2), each agency shall prepare an analysis that estimates
9 the amount of greenhouse gas emissions that are attributable to activities of the
10 agency in calendar years 2005 and 2010.

11 (3) DEVELOPMENT AND ACHIEVEMENT OF GOALS. Each agency shall:

12 (a) Establish achievable goals for the reduction of greenhouse gas emissions
13 identified in its analysis under sub. (2) which shall include a reduction by January
14 1, 2020, to an annual amount that is 22 percent lower than the annual amount
15 attributable to the agency in 2005.

16 (b) Develop a plan for achieving the goals established in par. (a) by means of
17 specific actions to be taken and completed no later than January 1, 2020.

18 (4) ELEMENTS OF PLAN. In developing its plan under sub. (3) (b), each agency
19 shall consider all cost-effective and technically feasible opportunities to reduce
20 greenhouse gas emissions, including:

21 (a) Increasing the efficiency of energy use by the agency.

22 (b) Installing renewable energy systems in facilities used by the agency.

23 (c) Purchasing energy derived from renewable resources for use by the agency.

24 (d) Increasing the efficiency of boilers in existing facilities used by the agency.

1 (e) Converting boilers in existing facilities used by the agency to fuels that
2 result in lower net greenhouse gas emissions, including biomass fuels.

3 (f) Reducing transportation-related emissions by the agency in all of the
4 following ways:

5 1. Converting the agency's on-road and off-road vehicle fleet to vehicles that
6 are more efficient, or that use renewable fuels, or both.

7 2. Encouraging teleconferencing in lieu of attending in-person meetings that
8 require travel to meeting sites.

9 3. Encouraging employees of the agency to telecommute, carpool, bicycle, walk,
10 or use public transit.

11 4. Reducing the idling of on-road and off-road motor vehicles operated by the
12 agency.

13 5. Reducing the idling of on-road and off-road motor vehicles operated by any
14 person who enters into a contract with an agency and who receives payments under
15 that contract from moneys appropriated by this state with respect to services
16 performed under the contract, whether or not within this state, during the period
17 that the contract is in effect.

18 6. Converting the refrigerants used in on-road and off-road motor vehicles in
19 the vehicle fleet maintained by the agency to refrigerants with low global warming
20 potential.

21 7. Purchasing fuels for on-road and off-road motor vehicles used by the agency
22 that are derived in whole or in part from renewable resources.

23 8. Any other appropriate means.

24 (g) Reducing the water and other materials used by the agency.

25 (h) Increasing the recycling of waste generated by the agency.

1 (i) Planting trees or deep-rooted, herbaceous, perennial plants on lands
2 controlled by the agency, including highway rights-of-way and building grounds.

3 (5) BIENNIAL REPORTS. No later than March 1 of each odd-numbered year each
4 agency shall report to the department of administration in the form specified by that
5 department concerning its progress toward achieving or success in maintaining
6 adherence to the goals established by the agency under sub. (3) (a).

7 (6) IDLING REDUCTION ASSISTANCE. The department shall assist agencies in
8 identifying opportunities to reduce greenhouse gas emissions through development
9 of idling reduction techniques for incorporation into agency plans under sub. (4) (f)
10 4. and 5.

11 **SECTION 301.** 299.97 (1) of the statutes is amended to read:

12 299.97 (1) Any person who violates this chapter, except s. 299.15 (1), 299.47
13 (2), 299.51 (4) (b), 299.53 (2) (a) or (3), 299.62 (2) ~~or~~, 299.64 (2), or 299.045, or any rule
14 promulgated or any plan approval, license or special order issued under this chapter,
15 except under those sections, shall forfeit not less than \$10 nor more than \$5,000, for
16 each violation. Each day of continued violation is a separate offense. While the order
17 is suspended, stayed or enjoined, this penalty does not accrue.

18 **SECTION 302.** 343.32 (2) (bs) of the statutes is created to read:

19 343.32 (2) (bs) The scale adopted by the secretary may not assess any demerit
20 points for a violation of s. 346.947.

21 **SECTION 303.** 346.947 of the statutes is created to read:

22 **346.947 Idling of motor vehicles used for commercial purposes. (1)**
23 Except as provided in sub. (5), and subject to sub. (3), an operator of a motor vehicle
24 designed primarily for on-highway operation, and the operator's employer, may not,

1 while the vehicle is being used for commercial purposes, cause or permit the vehicle's
2 primary propulsion engine to idle for more than 5 minutes in any 60 minute period.

3 (2) Except as provided in sub. (5), and subject to sub. (3), an operator of a motor
4 vehicle designed primarily for off-highway operation may not, while the vehicle is
5 being used for commercial purposes, cause or permit the vehicle's primary propulsion
6 engine to idle for more than 5 consecutive minutes when the vehicle is not in use.

7 (3) (a) Except as provided in par. (c), an operator of a motor vehicle designed
8 primarily for on-highway operation, and the operator's employer, may not, while the
9 vehicle is being used for commercial purposes, cause or permit the vehicle's primary
10 propulsion engine to idle within 100 feet of an occupied school, day care or child care
11 center, hospital, or facility for housing the elderly, if the school, day care or child care
12 center, hospital, or facility for housing the elderly is clearly marked as a school, day
13 care or child care center, hospital, or facility for housing the elderly by signage visible
14 from the roadway.

15 (b) Except as provided in par. (c), an operator of a motor vehicle designed
16 primarily for off-highway operation may not, while the vehicle is being used for
17 commercial purposes at a construction site, cause or permit the vehicle's primary
18 propulsion engine to idle within 100 feet of an occupied school, day care or child care
19 center, hospital, or facility for housing the elderly, if the school, day care or child care
20 center, hospital, or facility for housing the elderly is identified on the project plan
21 documents for the construction site, as required under sub. (7).

22 (c) Paragraph (a) does not apply with respect to any of the motor vehicles or
23 circumstances specified in sub. (5) (a) to (h), (j) to (o), (q), and (s). Paragraph (b) does
24 not apply with respect to any of the motor vehicles or circumstances specified in sub.
25 (5) (d) to (g), (j), (m), (p), (r), and (t).

1 (4) A person operating a location where a motor vehicle subject to sub. (1) that
2 is used to transport property is loaded or unloaded may not require an operator of
3 the vehicle to idle the vehicle's primary propulsion engine for a period longer than
4 30 minutes by directing that the vehicle be kept running pending the loading or
5 unloading of the vehicle at that location. This subsection does not apply if an
6 exception under sub. (5) applies with respect to the vehicle.

7 (5) Subsections (1) and (2) do not apply to any of the following:

8 (a) The period when a motor vehicle remains motionless because of traffic, an
9 official traffic control device, or the direction of a traffic officer.

10 (b) The period when a motor vehicle's defroster, heater, air conditioner, medical
11 equipment, or emergency lighting is being operated on the motor vehicle to prevent
12 a safety or health emergency and not as part of a rest period.

13 (c) An authorized emergency vehicle or military vehicle being used in the
14 course of official business.

15 (d) The idling of a motor vehicle's primary propulsion engine for maintenance,
16 servicing, repair, or diagnostic purposes if the idling is necessary to accomplish any
17 of these purposes.

18 (e) The idling of a motor vehicle as part of a state or federal vehicle inspection
19 to verify that all of the vehicle's equipment is in good working order if the idling is
20 required as part of the inspection.

21 (f) The period when the idling of a motor vehicle's primary propulsion engine
22 is necessary to power work-related mechanical or electrical operations, excluding
23 operations related to propulsion, cabin comfort, or nonessential on-board equipment
24 but including any of the following operations:

25 1. Mixing, dumping, or processing cargo.

1 2. Operating a lift, generator, crane, pump, drill, hoist, or other auxiliary
2 mechanical equipment.

3 3. Heating or refrigeration to protect cargo or freight being transported by the
4 motor vehicle.

5 4. Utility service restoration.

6 (g) The period when a motor bus used for transit purposes, or a motor vehicle
7 designed primarily for off-highway operation, is engaged in a stop-and-go project
8 element or is in immediate stand-by mode for purposes related to passenger loading
9 or unloading, project or worker safety, or readiness for an upcoming phase of a
10 specific project element.

11 (h) An armored vehicle for the period when a person remains inside the vehicle
12 to guard the contents of the vehicle or the vehicle is being loaded or unloaded.

13 (i) The period when an occupied motor vehicle with a sleeper berth
14 compartment idles for purposes of air conditioning or heating during a rest or sleep
15 period.

16 (j) The period when a motor vehicle's idling is necessary for regeneration of
17 exhaust emission control devices or to recharge batteries on a hybrid vehicle.

18 (k) A motor bus or school bus idling to maintain passenger comfort while
19 passengers other than the operator are on board, if the motor bus or school bus does
20 not exceed 15 minutes of idling in any 60 minute period.

21 (L) The period when a motor vehicle's idling is necessary due to mechanical
22 difficulties over which the vehicle operator has no control, if within 30 days after the
23 end of this period the motor vehicle's owner submits by mail to the appropriate
24 authority repair paperwork or a product receipt verifying that the mechanical
25 difficulty has been fixed.

1 (m) The period when a motor vehicle's idling is necessary to warm the motor
2 vehicle up to the manufacturer's recommended operating temperature.

3 (n) A motor vehicle designed primarily for on-highway operation if the outdoor
4 temperature is below 40 degrees Fahrenheit or above 75 degrees Fahrenheit and if
5 the motor vehicle does not exceed 15 consecutive minutes of idling in any 60 minute
6 period.

7 (o) A motor vehicle designed primarily for on-highway operation if the outdoor
8 temperature is below 10 degrees Fahrenheit.

9 (p) A motor vehicle designed primarily for off-highway operation if the outdoor
10 temperature is below 40 degrees Fahrenheit or above 75 degrees Fahrenheit.

11 (q) A motor vehicle operated completely by electric power.

12 (r) A motor vehicle designed primarily for off-highway operation that is a farm
13 tractor or an implement of husbandry.

14 (s) A motor vehicle designed primarily for on-highway operation that remains
15 motionless while it is in a queue of motor vehicles delivering construction materials
16 at a construction site.

17 (t) A motor vehicle designed primarily for off-highway operation that is subject
18 to an air pollution operation permit, including a general permit, under subch. VII of
19 ch. 285.

20 (6) This section applies to the idling of motor vehicles' primary propulsion
21 engines both on highways and off highways.

22 (7) With respect to construction activity that involves the operation of motor
23 vehicles designed primarily for off-highway operation, the owner of the applicable
24 construction site has the responsibility to identify on the project plan documents that
25 portion of any school, day care or child care center, hospital, or facility for housing

1 the elderly that is located within 100 feet of any part of the construction site and that
2 will be occupied during any part of the construction activity.

3 (8) A person operating a location specified in sub. (4) shall, to the maximum
4 extent practical, minimize delays in loading and unloading operations in order to
5 reduce idling times.

6 (9) Every employer of an operator of a motor vehicle designed primarily for
7 off-highway operation, other than a motor vehicle described in sub. (5) (r), shall
8 provide to each such operator information on the benefits of reducing the idling of
9 these motor vehicles and the requirements under this section.

10 (10) This section is an enactment of statewide concern for the purpose of
11 providing uniform regulation of motor vehicle idling. Notwithstanding ss. 59.03,
12 61.34 (1), 62.11 (5), 85.16, 349.03, 349.06, and any other provision of law, no
13 municipality or county may enact an ordinance, and no state agency may promulgate
14 a rule, regulating the same or similar subject matter as that covered in this section.

15 **SECTION 304.** 346.95 (11) of the statutes is created to read:

16 346.95 (11) Beginning on July 1, 2011, any person violating s. 346.947 (1), (2),
17 (3), (4), (7), or (9) may be required to forfeit \$150 for each violation. Notwithstanding
18 s. 939.61, prior to July 1, 2011, no penalty shall apply to a violation specified in this
19 subsection.

20 **SECTION 305.** 560.032 (1) of the statutes is renumbered 560.032 (1r) (a) and
21 amended to read:

22 560.032 (1r) ALLOCATION. (a) The department, by rule, shall establish under
23 26 USC 146 and administer a system for the allocation of the volume cap on the
24 issuance of private activity bonds, ~~as defined under 26 USC 141 (a),~~ among all
25 municipalities, as defined in s. 67.01 (5), and any corporation formed on behalf of

1 those municipalities, and among this state, the Wisconsin Health and Educational
2 Facilities Authority, the Wisconsin Aerospace Authority, and the Wisconsin Housing
3 and Economic Development Authority.

4 **SECTION 306.** 560.032 (1g) of the statutes is created to read:

5 560.032 (1g) DEFINITIONS. In this section:

6 (a) "Clean energy manufacturing facility" means a facility that manufactures
7 any of the following:

8 1. Energy efficient fixtures or building components, metering equipment, or
9 appliances.

10 2. Equipment used to produce energy from a renewable resource or components
11 of that equipment.

12 3. Equipment used to produce fuel made from a renewable resource or
13 components of that equipment.

14 4. Renewable fuel, flex fuel, advanced diesel, hybrid, electric, or other advanced
15 drive train vehicles designed to operate on highways, as defined in s. 340.01 (22).

16 5. A component of any vehicle identified in subd. 4..

17 (b) "Private activity bond" has the meaning given in 26 USC 141 (a).

18 (c) "Renewable fuel" means a fuel produced from a renewable resource.

19 (d) "Renewable power generating facility" means a facility owned by a person
20 that is not a public utility or an electric cooperative with equipment to generate
21 electricity or another form of energy from a renewable resource if that facility is
22 projected to consume no less than 70 percent of the energy generated by that
23 equipment in manufacturing processes at the site where the equipment is located.

24 (e) "Renewable resource" has the meaning given in s. 196.374 (1) (j).

25 **SECTION 307.** 560.032 (1r) (b) of the statutes is created to read:

1 560.032 (1r) (b) In the rules under par. (a), the department shall provide that
2 25 percent of the amount allocated to municipalities and corporations formed on
3 behalf of municipalities each year will be allocated for all of the following:

- 4 1. Clean energy manufacturing facilities.
- 5 2. Renewable power generating facilities.

6 **SECTION 308.** 560.032 (2) of the statutes is renumbered 560.032 (2) (a) and
7 amended to read:

8 560.032 (2) **AMENDMENT TO OR REALLOCATION OF ALLOCATION**. (a) At any time
9 prior to December 31 in any year, the department may promulgate rules to revise the
10 allocation system established for that year under sub. ~~(1)~~ (1r) (a), except that any
11 revision under this ~~subsection~~ paragraph does not apply to any allocation under
12 which the recipient of that allocation has adopted a resolution authorizing the
13 issuance of a private activity bond, ~~as defined in 26 USC 141 (a)~~.

14 **SECTION 309.** 560.032 (2) (b) of the statutes is created to read:

15 560.032 (2) (b) Beginning on September 1 in any year, the department may
16 reallocate using the system established by rule under sub. (1r) (a) any amount of the
17 allocation made for that year under sub. (1r) (b) for which bonds have not been issued,
18 except that any reallocation under this paragraph does not apply to any allocation
19 under which the recipient of that allocation has adopted a resolution authorizing the
20 issuance of a private activity bond.

21 **SECTION 310.** 560.032 (4) of the statutes is amended to read:

22 560.032 (4) **CERTIFICATION.** If the secretary receives notice of the issuance of a
23 bond under an allocation under ~~subs. (1) to (3)~~ this section, the secretary shall certify
24 that that bond meets the requirements of 26 USC 146.

25 **SECTION 311.** 560.081 (1m) of the statutes is created to read:

1 560.081 (1m) A proposed project is a “qualifying project” for purposes of sub.
2 (2) (e) and (f) 6. if the project will result in a reduction in travel, energy use, or the
3 emission of greenhouse gases, as defined in s. 299.03 (1) (d), or if any of the following
4 applies:

5 (a) The project is located in an area that is designated for traditional
6 neighborhood development, as defined in s. 66.1027 (1) (c), in a comprehensive plan
7 adopted under s. 66.1001 and at least one of the following applies:

8 1. The area is surrounded by or is adjacent to existing development.

9 2. The area is within a sewer service territory in the sewer service area
10 provisions of an areawide water quality management plan under s. 283.83 approved
11 by the department of natural resources.

12 3. The area consists primarily of blighted properties.

13 4. The area meets other criteria, specified by the department by rule, designed
14 to ensure that the project reduces greenhouse gas emissions.

15 (b) The municipality in which the project is located has adopted the design
16 standards under s. 101.027 (4) and the project is in an area that is subject to the
17 design standards.

18 (c) All of the following apply:

19 1. The project is located in an area that is subject to either a charter under s.
20 299.83 (7e) issued to an association of entities that includes the municipality in
21 which the area is located or a participation contract under s. 299.83 (6) entered into
22 by the municipality in which the area is located.

23 2. The department of natural resources determines, in consultation with the
24 department of commerce, the department of administration, the public service
25 commission, and the office of energy independence, that implementation of the

1 charter is likely to result in significant reductions in emissions of greenhouse gases,
2 as defined in s. 299.03 (1) (d), or in energy use by public or private entities within the
3 municipality.

4 (d) The project is located in a municipality that participates in tier I under s.
5 299.83 (3), the area in which the project is located is affected by the participation in
6 tier I, and the department of natural resources determines, in consultation with the
7 department of commerce, the department of administration, the public service
8 commission, and the office of energy independence, that the participation in tier I is
9 likely to result in significant reductions in emissions of greenhouse gases, as defined
10 in s. 299.03 (1) (d), or in energy use by public or private entities within the
11 municipality.

12 **SECTION 312.** 560.081 (2) (e) of the statutes is amended to read:

13 560.081 (2) (e) Annually select, upon application, up to 5 municipalities to
14 participate in the state main street program. The program for each municipality
15 shall conclude after 3 years, except that the program for each municipality selected
16 after July 29, '1995, shall conclude after 5 years. The department shall select
17 program participants representing various geographical regions and populations,
18 and may give greater weight to a municipality that has proposed a project that is a
19 qualifying project under sub. (1m). A municipality may apply to participate, and the
20 department may select a municipality for participation, more than one time. In
21 selecting a municipality, however, the department may give priority to those
22 municipalities that have not previously participated.

23 **SECTION 313.** 560.081 (2) (f) 6. of the statutes is created to read:

24 560.081 (2) (f) 6. Whether a project proposed by a municipality that has applied
25 to participate in the program under par. (e) is a qualifying project under sub. (1m).

1 **SECTION 314.** 560.13 (2) (b) 2. of the statutes is amended to read:

2 560.13 (2) (b) 2. ~~For~~ Except as provided in subd. 3., for a grant that does not
3 exceed \$300,000, the recipient shall be required to contribute not less than 20% of
4 the cost of the project. ~~For~~ Except as provided in subd. 3., for a grant that is greater
5 than \$300,000 but that does not exceed \$700,000, the recipient shall be required to
6 contribute not less than 35% of the cost of the project. ~~For~~ Except as provided in subd.
7 3., for a grant that is greater than \$700,000 but that does not exceed \$1,250,000, the
8 recipient shall be required to contribute not less than 50% of the cost of the project.

9 **SECTION 315.** 560.13 (2) (b) 3. of the statutes is created to read:

10 560.13 (2) (b) 3. The department may promulgate a rule that specifies a
11 minimum contribution by a recipient that is less than the percentage of the cost of
12 the project specified in subd. 2. if all of the following apply:

13 a. The recipient is a city, village, town, or county.

14 b. The project is a qualifying project.

15 **SECTION 316.** 560.13 (3) (intro.) of the statutes, as affected by 2009 Wisconsin
16 Act 28, is amended to read:

17 560.13 (3) (intro.) The department may consider the following criteria in
18 making awards under this section, and shall give additional consideration to a
19 project that satisfies the criteria under par. (em):

20 **SECTION 317.** 560.13 (3) (em) of the statutes is created to read:

21 560.13 (3) (em) The project is a qualifying project under sub. (3m).

22 **SECTION 318.** 560.13 (3m) of the statutes is created to read:

23 560.13 (3m) A proposed project is a “qualifying project” for purposes of subs.
24 (2) (b) 3. b. and (3) (em) if the project is proposed by a city, village, town, or county

1 and the project will result in a reduction in travel, energy use, or the emission of
2 greenhouse gases, as defined in s. 299.03 (1) (d), or if any of the following applies:

3 (a) The project is located in an area that is designated for traditional
4 neighborhood development, as defined in s. 66.1027 (1) (c), in a comprehensive plan
5 adopted under s. 66.1001 and at least one of the following applies:

6 1. The area is surrounded by or is adjacent to existing development.

7 2. The area is within a sewer service territory in the sewer service area
8 provisions of an areawide water quality management plan under s. 283.83 approved
9 by the department of natural resources.

10 3. The area consists primarily of blighted properties.

11 4. The area meets other criteria, specified by the department by rule, designed
12 to ensure that the project reduces greenhouse gas emissions.

13 (b) The city, village, town, or county in which the project is located has adopted
14 the design standards under s. 101.027 (4) and the project is in an area that is subject
15 to the design standards.

16 (c) All of the following apply:

17 1. The project is located in an area that is subject to either a charter under s.
18 299.83 (7e) issued to an association of entities that includes the city, village, town,
19 or county in which the area is located or a participation contract under s. 299.83 (6)
20 entered into by the city, village, town, or county in which the area is located.

21 2. The department of natural resources determines, in consultation with the
22 department of commerce, the department of administration, the public service
23 commission, and the office of energy independence, that implementation of the
24 charter is likely to result in significant reductions in emissions of greenhouse gases,

1 as defined in s. 299.03 (1) (d), or in energy use by public or private entities within the
2 city, village, town, or county.

3 (d) The project is located in a city, village, town, or county that participates in
4 tier I under s. 299.83 (3), the area in which the project is located is affected by the
5 participation in tier I, and the department of natural resources determines, in
6 consultation with the department of commerce, the department of administration,
7 the public service commission, and the office of energy independence, that the
8 participation in tier I is likely to result in significant reductions in emissions of
9 greenhouse gases, as defined in s. 299.03 (1) (d), or in energy use by public or private
10 entities within the city, village, town, or county.

11 **SECTION 319.** 560.205 (1) (g) of the statutes, as affected by 2009 Wisconsin Act
12 2, is amended to read:

13 560.205 (1) (g) It is not primarily engaged in real estate development,
14 insurance, banking, lending, lobbying, political consulting, professional services
15 provided by attorneys, accountants, business consultants, physicians, or health care
16 consultants, wholesale or retail trade, leisure, hospitality, transportation, or
17 construction, except construction of power production plants that derive energy from
18 a renewable resource, as defined in s. ~~196.378 (1) (h)~~ 196.374 (1) (j).

19 **SECTION 320.** 560.302 of the statutes, as created by 2009 Wisconsin Act 28, is
20 renumbered 560.302 (2m), and 560.302 (2m) (intro.) and (h), as renumbered, are
21 amended to read:

22 560.302 (2m) (intro.) Upon receipt of an application by ~~an~~ any eligible
23 recipient, the department may consider any of the following in determining whether
24 to award a grant or make a loan under s. 560.304:

1 (h) Any other criteria established by the department by rule, including the
2 types of projects that are eligible for funding and the types of eligible projects that
3 will receive priority. The criteria established under this paragraph shall include a
4 criterion that requires the department to give additional consideration to an eligible
5 activity proposed by an eligible recipient that is a municipality if the eligible activity
6 is described in sub. (1m).

7 **SECTION 321.** 560.302 (1m) of the statutes is created to read:

8 560.302 (1m) Upon receipt of an application by an eligible recipient that is a
9 municipality, the department shall consider whether an eligible activity proposed by
10 that municipality will result in a reduction in travel, energy use, or the emission of
11 greenhouse gases, as defined in s. 299.03 (1) (d), or whether one of the following
12 applies to that eligible activity:

13 (a) The eligible activity is located in an area that is designated for traditional
14 neighborhood development, as defined in s. 66.1027 (1) (c), in a comprehensive plan
15 adopted under s. 66.1001 and at least one of the following applies:

16 1. The area is surrounded by or is adjacent to existing development.

17 2. The area is within a sewer service territory in the sewer service area
18 provisions of an areawide water quality management plan under s. 283.83 approved
19 by the department of natural resources.

20 3. The area consists primarily of blighted properties.

21 4. The area meets other criteria, specified by the department by rule, designed
22 to ensure that the eligible activity reduces greenhouse gas emissions.

23 (b) The municipality in which the eligible activity is located has adopted the
24 design standards under s. 101.027 (4) and the eligible activity is in an area that is
25 subject to the design standards.

1 (c) All of the following apply:

2 1. The eligible activity is located in an area that is subject to either a charter
3 under s. 299.83 (7e) issued to an association of entities that includes the municipality
4 in which the area is located or a participation contract under s. 299.83 (6) entered into
5 by the municipality in which the area is located.

6 2. The department of natural resources determines, in consultation with the
7 department of commerce, the department of administration, the public service
8 commission, and the office of energy independence, that implementation of the
9 charter is likely to result in significant reductions in emissions of greenhouse gases,
10 as defined in s. 299.03 (1) (d), or in energy use by public or private entities within the
11 municipality.

12 (d) The eligible activity is located in a municipality that participates in tier I
13 under s. 299.83 (3), the area in which the eligible activity is located is affected by the
14 participation in tier I, and the department of natural resources determines, in
15 consultation with the department of commerce, the department of administration,
16 the public service commission, and the office of energy independence, that the
17 participation in tier I is likely to result in significant reductions in emissions of
18 greenhouse gases, as defined in s. 299.03 (1) (d), or in energy use by public or private
19 entities within the municipality.

20 **SECTION 322.** 560.305 (4) of the statutes, as created by 2009 Wisconsin Act 28,
21 is renumbered 560.305 (4) (a) and amended to read:

22 560.305 (4) (a) ~~The~~ Except as provided in par. (b), the board shall require, as
23 a condition of a grant or loan, that a recipient contribute to a project an amount that
24 is not less than 25 percent of the amount of the grant or loan.

25 **SECTION 323.** 560.305 (4) (b) of the statutes is created to read:

1 560.305 (4) (b) The department may promulgate a rule that specifies a
2 minimum contribution by an eligible recipient that is less than 25 percent of the
3 amount of the grant or loan if all of the following apply:

- 4 1. The eligible recipient is a municipality.
- 5 2. The eligible recipient has proposed an eligible activity that satisfies the
6 criteria in s. 560.302 (1m).
- 7 3. The eligible recipient receives a grant or loan under this subchapter.

8 **SECTION 324.** 1983 Wisconsin Act 401, section 1 is repealed.

9 **SECTION 9101. Nonstatutory provisions; Administration.**

10 (1) GREENHOUSE GAS EMISSIONS BY STATE AGENCIES; GUIDELINES AND PROTOCOLS.
11 The department of administration shall prescribe initial guidelines and protocols
12 under section 16.954 (2) of the statutes, as created by this act, no later than the first
13 day of the 13th month beginning after the effective date of this subsection.

14 (2) GREENHOUSE GAS EMISSIONS BY STATE AGENCIES; INITIAL REPORT.
15 Notwithstanding section 16.954 (6) of the statutes, as created by this act, the
16 department of administration shall submit its initial report under that subsection
17 no later than July 1, 2013.

18 (3) LEVY LIMITS EXCEPTION. Using the procedure under section 227.24 of the
19 statutes, the department of administration may promulgate the rules required
20 under section 66.0602 (3) (e) 9. of the statutes for the period before the effective date
21 of the permanent rule promulgated under that section but not to exceed the period
22 authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding
23 section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department of administration
24 is not required to provide evidence that promulgating a rule under this subsection
25 as an emergency rule is necessary for the preservation of the public peace, health,

1 safety, or welfare and is not required to provide a finding of emergency for a rule
2 promulgated under this subsection.

3 **SECTION 9110. Nonstatutory provisions; Commerce.**

4 (1) AGRICULTURAL FACILITIES ENERGY CONSERVATION CODE. The department of
5 commerce shall submit in proposed form the rules required under section 101.028 of
6 the statutes, as created by this act, to the legislative council staff under section
7 227.15 (1) of the statutes no later than the first day of the 25th month beginning after
8 the effective date of this subsection.

9 **SECTION 9137. Nonstatutory provisions; Natural Resources.**

10 (1) AIR PERMIT STREAMLINING RULES. The department of natural resources shall
11 submit in proposed form the rules to implement section 285.60 (11) of the statutes,
12 as created by this act, to the legislative council staff under section 227.15 (1) of the
13 statutes no later than the first day of the 18th month beginning after the effective
14 date of this subsection.

15 (2) FOREST GRANT PROGRAM. The department of natural resources shall submit
16 in proposed form the rules required under section 26.38 (3) (d) of the statutes, as
17 created by this act, to the legislative council staff under section 227.15 (1) of the
18 statutes no later than the first day of the 7th month beginning after the effective date
19 of this subsection.

20 (3) BIOMASS AVAILABILITY STUDY. The department of natural resources shall
21 create a committee consisting of representatives of state agencies and of groups with
22 interests in the production, availability, and use of biomass. The committee shall
23 study the availability of different types of biomass throughout the state and the
24 impact that the use of biomass for energy production has on prices for biomass and
25 shall evaluate the highest and best uses for biomass. The committee shall submit

1 the results of the study and evaluation to the legislature, in the manner provided
2 under section 13.172 (2) of the statutes, and to the governor no later than July 1,
3 2012.

4 **SECTION 9141. Nonstatutory provisions; Public Service Commission.**

5 (1) RENEWABLE PORTFOLIO STANDARD REPORT.

6 (a) In this subsection:

7 1. "Electric provider" has the meaning given in section 196.378 (1r) (c) of the
8 statutes, as affected by this act.

9 2. "Renewable portfolio standard" has the meaning given in section 196.378
10 (1r) (gm) of the statutes, as created by this act.

11 (b) The public service commission shall study options for ensuring that electric
12 providers are able to comply with the renewable portfolio standard, including options
13 for doing all of the following with regard to renewable energy construction projects:

14 1. Streamlining the regulatory approval and siting process.

15 2. Encouraging proposals that encompass multiple projects, with multiproject,
16 integrative plans for the acquisition of sites, equipment, and contractors.

17 3. Approving multiyear commitments for the acquisition of necessary
18 equipment in a timely manner, with appropriate recovery of development costs.

19 4. Encouraging larger electric providers to partner with smaller electric
20 providers.

21 (c) No later than 6 months after the effective date of this paragraph, the public
22 service commission shall submit a report to the legislature and governor under
23 section 13.172 (2) of the statutes that describes the actions the commission has taken
24 or proposes to take to implement the options specified in paragraph (b) and any
25 recommendations for legislation necessary to fully implement the options.

1 (2) LARGE ENERGY CUSTOMER PROGRAM RULES. The public service commission
2 shall study the rules it has promulgated under section 196.374 (3) (f) 3. of the statutes
3 to determine whether the rules provide adequate opportunities for creating
4 programs under section 196.374 (2) (c) of the statutes. No later than 6 months after
5 the effective date of this subsection, the public service commission shall submit a
6 report to the legislature in the manner provided under section 13.172 (2) of the
7 statutes and to the governor that describes the commission's findings and the actions
8 the commission has taken or intends to take to correct any deficiencies in the rules.

9 (3) PORTFOLIO CREDIT RULES. The public service commission shall submit in
10 proposed form the rules required under section 196.378 (3) (a) 5., (b), and (c) 4. of the
11 statutes, as created by this act, to the legislative council staff under section 227.15
12 (1) of the statutes no later than the first day of the 6th month beginning after the
13 effective date of this subsection.

14 (4) CONSERVATION CERTIFICATE AND CAPITAL INVESTMENT RULES.

15 (a) Using the procedure under section 227.24 of the statutes, the public service
16 commission shall promulgate rules required under section 196.378 (3m) (b) and (c)
17 3. of the statutes, as created by this act, for the period before the effective date of the
18 permanent rules promulgated under that section, but not to exceed the period
19 authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding
20 section 227.24 (1) (a), (2) (b), and (3) of the statutes, the public service commission
21 is not required to provide evidence that promulgating a rule under this paragraph
22 as an emergency rule is necessary for the preservation of public peace, health, safety,
23 or welfare and is not required to provide a finding of an emergency for a rule
24 promulgated under this paragraph.

1 (b) The public service commission shall submit in proposed form the rules
2 required under section 196.378 (3m) (b) and (c) 3. of the statutes, as created by this
3 act, to the legislative council staff under section 227.15 (1) of the statutes no later
4 than the first day of the 6th month beginning after the effective date of this
5 paragraph.

6 (c) Before the date on which the rules required under section 196.378 (3m) (b)
7 and (c) 3. of the statutes, as created by this act, are promulgated, the public service
8 commission shall administer section 196.378 (3m) of the statutes, as created by this
9 act, according to policies and procedures established by that public service
10 commission, but not promulgated as rules, notwithstanding the absence of rules to
11 administer that section. The public service commission shall make available to the
12 public on its Internet Web site the policies and procedures established by the
13 commission under this paragraph.

14 (d) Before the date on which the rules required under section 196.374 (9) (b) of
15 the statutes, as created by this act, are promulgated, the public service commission
16 shall administer section 196.374 (9) (a) of the statutes, as created by this act,
17 according to policies and procedures established by the public service commission,
18 but not promulgated as rules, notwithstanding the absence of rules to administer
19 that section. In administering section 196.374 (9) (a) of the statutes, as created by
20 this act, pursuant to this paragraph, the public service commission shall give
21 expeditious treatment to investments that involve the creation of conservation
22 certificates, as defined in section 196.378 (1r) (at) of the statutes, as created by this
23 act. The public service commission shall make available to the public on its Internet
24 Web site the policies and procedures established by the commission under this
25 paragraph.

INSERT 146-25

SECTION 9150. Nonstatutory provisions; Transportation.

(1) WIND TURBINE REPORT. The department of transportation shall review regulatory barriers to the transport over the highways in this state of wind turbine components. No later than 6 months after the effective date of this subsection, the department shall submit a report to the legislature and governor under section 13.172 (2) of the statutes that describes the actions the department has taken to remove such barriers and any recommendations for legislation necessary to fully remove such barriers.

SECTION 9157. Nonstatutory provisions; Other.

(1) SCHOOL DISTRICT PARTICIPATION; INITIAL OEI REPORT. Notwithstanding section 16.956 (3) (i) of the statutes, as created by this act, the office of energy independence shall submit its initial report under section 16.956 (3) (i) of the statutes, as created by this act, on July 1, 2013.

(2) GREENHOUSE GAS EMISSIONS; INITIAL STATE AGENCY REPORT. Notwithstanding section 299.045 (5) of the statutes, as created by this act, each agency, as defined in section 299.045 (1) (a) of the statutes, as created by this act, shall submit its initial report under section 299.045 (5) of the statutes, as created by this act, on March 1, 2013.

SECTION 9333. Initial applicability; Local Government.

(1) LEVY LIMITS EXCEPTION. The treatment of section 66.0602 (3) (e) 9. of the statutes first applies to a fiscal year that begins on January 1 of the year following the year in which this subsection takes effect.

SECTION 9341. Initial applicability; Public Service Commission.

(1) RENEWABLE ENERGY PERCENTAGE REPORTS. The treatment of sections 196.374 (1) (am) and 196.378 (1) (ar), (fg), and (fm) (intro.), 1., and 2., (1r) (at), (dm), (ds), (dw),

(em), (fg) 2., 3., and 4., (fm) 3. and 4., and (kg), (3), and (3m) of the statutes first applies to reports submitted for the April 15, 2012, deadline under section 196.378 (2) (c) 1. of the statutes, as affected by this act.

SECTION 9400. Effective dates; general. Except as provided in SECTIONS 9401 to 9457 of this act, this act takes effect on the day after publication.

SECTION 9401. Effective dates; Administration.

(1) STATE BUILDING DESIGN STANDARDS. The treatment of section 16.856 of the statutes takes effect on the effective date of the initial rules promulgated by the department of commerce under section 101.027 (4) of the statutes, as created by this act.

SECTION 9403. Effective dates; Agriculture, Trade and Consumer Protection.

(1) ENERGY CROP RESERVE PROGRAM. The treatment of sections 20.115 (4) (d) and 93.47 of the statutes takes effect on July 1, 2011.

SECTION 9441. Effective dates; Public Service Commission.

(1) DISTRIBUTED GENERATION GRANTS AND LOANS. The treatment of section 196.374 (2) (a) 2. e. and (3) (bw) 3r. of the statutes takes effect on January 1, 2011.

SECTION 9450. Effective dates; Transportation.

(1) MOTOR VEHICLE IDLING. The treatment of sections 343.32 (2) (bs), 346.947, and 346.95 (11) of the statutes takes effect on January 1, 2011.

(END)

d-note

2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0423/2insAG
ARG:.....

INSERT 31-21 AG

SECTION 1. 101.02 (22^m) of the statutes is created to read:

101.02 (22^m) The department shall inform owners of construction sites of their responsibilities under s. 346.947 (7). The department may fulfill this duty by any reasonable means, including notice on any applicable form prepared by the department.

**2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBs0423/2ins
MDK:.....

INSERT 82-12:

d. For the year 2020 and each year thereafter, a conservation certificate may be included in an electric provider's renewable energy percentage only if the project on which the certificate is created is implemented or placed in service on or after January 1, 2014.

INSERT 84-4:

after the completion of a Crown-Aboriginal consultation process as required under Canadian law and the final licenses are in effect under Canadian law.

d. The province of Manitoba shall file with the commission all final approvals, licenses, and permits required under subd. 1r. c.; a written report setting forth the processes followed to obtain such final licenses; a report summarizing the consultation processes with impacted First Nations and its compliance with Canadian law; and all agreements with impacted First Nations related to the Lake Winnipeg Regulation Project and the Churchill River Diversion Project. Such filings shall be subject to public comment. Within 90 days of receiving the filings required under this subd. 1r. d., the commission shall prepare and deliver a report to the legislature, in the manner described under s. 13.172 (2), summarizing such filings and the comments received on them.

INSERT 90-9:

3. "Supplemental utility program" has the meaning given in s. 196.374 (1) (mh).

INSERT 146-25:

(5) MICROCOGENERATION EQUIPMENT.

*This is a nonstat
and should have an autonumber*

(a) In this subsection, "microcogeneration equipment" means equipment that produces electricity and heat for space or water heating through the combustion of natural gas or liquid propane gas, to which all of the following apply:

1. The equipment has a rated electric generation capacity of not more than 20 kilowatts.

2. The equipment captures not less than 85 percent of the energy content of the fuel in the form of electricity or usable heat.

3. The equipment modulates its electric power output to match the electric power demand of the load it serves.

(b) A statewide programs contractor, as defined in section 196.374 (1) (me) of the statutes, as created by this act, shall conduct a study of microcogeneration equipment, including the availability and reliability of the equipment, the cost of acquiring, installing, and operating the equipment, and the energy savings that can be realized by replacement of existing equipment commonly in use with microcogeneration equipment. If the contractor finds that microcogeneration equipment has reasonable potential to cost effectively reduce the use of fossil fuels while meeting the electric power and heating needs of residential buildings, the contractor shall include in the residential energy efficiency and conservation programs under the statewide programs, as defined in section 196.374 (1) (mb) of the statutes, as created by this act, elements to promote microcogeneration equipment, including financial assistance or incentives to the owners of residential buildings for the purchase and installation of microcogeneration equipment and elements to provide education to residential building owners regarding the availability of the equipment and and to provide education and training to persons in the building trades regarding the installation and maintenance of the equipment.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0423/2dn

MDK:|:....

gjs

Date

As requested, proposed s. 196.378 (2) (b) 1r. d. refers to all final approvals, licenses, and permits required under s. 196.378 (2) (b) 1r. c. However, s. 196.378 (2) (b) 1r. c. refers only to final licenses, and does not refer to final approvals or permits. As a result, I'm not sure what you are trying to achieve. Depending on your intent, you may want to revise the language in the substitute amendment, or address the issue with an amendment.

Mark D. Kunkel
Senior Legislative Attorney
Phone: (608) 266-0131
E-mail: mark.kunkel@legis.wisconsin.gov

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0423/2dn

MDK:cjs:md

April 12, 2010

As requested, proposed s. 196.378 (2) (b) 1r. d. refers to all final approvals, licenses, and permits required under s. 196.378 (2) (b) 1r. c. However, s. 196.378 (2) (b) 1r. c. refers only to final licenses, and does not refer to final approvals or permits. As a result, I'm not sure what you are trying to achieve. Depending on your intent, you may want to revise the language in the substitute amendment, or address the issue with an amendment.

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Barman, Mike

From: Barman, Mike
Sent: Monday, April 12, 2010 5:55 PM
To: Aaron Gary; Becky Tradewell; Bruce Hoesly; Cathlene Hanaman; Christopher Sundberg; Debora Kennedy; Eric Mueller; Gordon Malaise; Jeffery Kuesel; Joseph Kreye; Marc Shovers; Mark Kunkel; Mary Gibson-Glass; Pam Kahler; Peggy Hurley; Peter Grant; Rick Champagne; Robert Nelson; Robin Kite; Robin Ryan; Steve Miller; Tamara Dodge; Tracy Kuczenski
Subject: LRBs0423/2
Attachments: 09s0423/2; 09s0423/2dn



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